

Notice of Allowability

Application No.

09/913,577

Examiner

Robert M. Pond

Applicant(s)

MORITA ET AL.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment (7/24/07) and Examiner's Amendment (20070919).
2. ☒ The allowed claim(s) is/are 1,3-5,7,8,10 and 11.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 12/13/04;8/15/01
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20070927.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Robert M. Pond
Primary Examiner

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization

Authorization for this examiner's amendment was given in a telephone interview with Mr. James Love, #58,421 on 27 September 2007.

Allowed Claims

Claims 1, 3-5, 7, 8, 10 and 11 entered 24 July 2007 are allowed. Claims 2, 6, 9, and 12-20 were canceled.

In the Claims

Claims entered 24 July 2007 are amended as follows:

- Claim 3, claim line 1, delete "apparatus" and insert therefore: - -
information processor- -
- Claim 4, claim line 1, delete "apparatus" and insert therefore: - -
information processor- -
- Claim 5, claim line 10, before "maximum" delete "the" and insert
therefore: - -a- -

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- Claim 7, claim line 1, before "method" insert therefore: - -information processing- -
- Claim 8, claim line 3, after "execute" insert therefore:
- -the program code for- -
- Claim 10, claim line 1, delete "method" and insert therefore: - -program storage medium- -
- Claim 11, claim line 1, delete "method" and insert therefore: - -program storage medium- -

Examiner Notes

Closest US Patent prior art Stefik (US 5,629,980) was cited as the primary reference leading up to this notice of allowance. Updated forward and backward citations of Stefik plus updated search strategies failed to produce US patent or US patent publication prior art closer than Stefik '980.

Closest Non-patent literature considered was cited in the Applicants' IDS, Item AQ entered on 13 December 2004. The electronic file failed to record the IDS considered and is being re-entered for the record. Item AQ is a standards document describing the Secure Digital Music Initiative (SMDI) Portable Device Specification (PDS). SDMI-PDS discloses subject matter pertaining to the claimed invention on a broad basis and fails to teach and/or suggest the claimed subject matter of independent claims 1, 5 and 8. Related NPL was searched but failed to produce any prior art NPL that discloses the claimed subject matter.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert M. Pond
Primary Examiner
September 27, 2007